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In re Application of	:	
NAKADAI, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/539,047	:	
PCT No.: PCT/JP03/01434	:	UNDER 37 CFR 1.181
Int. Filing Date: 12 February 2003	:	
Priority Date: 17 December 2002	:	
Atty Docket No.: 052696	:	
For: ROBOTICS VISUAL AND AUDITORY	:	
SYSTEM	:	

This decision is in response to applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment filed 15 March 2007 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 12 February 2003, applicant filed international application PCT/JP03/01434, which claimed priority of an earlier application filed 17 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 June 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 17 June 2005.

On 15 June 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as filed; an executed declaration of the inventors; an Information Disclosure Statement; an assignment document and a preliminary amendment.

On 22 November 2006, applicant was mailed a "NOTICE OF INSUFFICIENT BASIC NATIONAL FEE REQUIRED AND/OR MISSING COPY OF INTERNATIONAL APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/912) informing applicant of the need to provide a copy of the international application prior to the expiration of thirty months from the priority date. In addition, the notice indicated that the International Search Report had not been supplied and that the Search Fee had been adjusted to reflect the omission.

On 30 November 2006, applicant filed a response indicating that the Search Fee had already been paid.

On 09 March 2007, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the Form PCT/DO/EO/912 mailed 22 November 2006 within the time period set therein and that above-identified application was abandoned as to the United States.

On 19 December 2006, applicant filed the present petition.

### **DISCUSSION**

A review of the fee record for the present application finds that applicant provided payment of all fees prior to the expiration of thirty months from the priority date; including the maximum search fee of \$500.00. In addition, applicant has presently provided a copy of Form PCT/IB/308 dated 17 June 2004 indicating that the International Bureau communicated a copy of the international application to the United States on that date and that the notice "acts as conclusive evidence that the communication of the international application has duly taken place...and no copy of the international application is required to be furnished by the applicant." As such, both of the items listed in the Form PCT/DO/EO/912 were provided prior to the expiration of thirty months from the claimed priority date and it is proper to grant applicant's petition at this time.

### **CONCLUSION**

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/912 mailed 22 November 2006 and the Form PCT/DO/EO/909 mailed 09 March 2007 are hereby **VACATED**.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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